

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NORTH DAKOTA

In re:)	Case No. 24-30010
)	(Chapter 11)
RED RIVER SUBS, INC.)	
)	
Debtor.)	
_____)	

MOTION TO EXPEDITE AND HOLD FIRST DAY HEARING

Comes now Red River Subs, Inc. (“Red River Subs” or the “Debtor”), by and through undersigned proposed counsel, pursuant to Local Rule 9006-1, and moves this Honorable Court to hold an expedited hearing, in consideration of the following motions:

1. Motion to Retain Existing Depository Accounts (DE #2);
2. Motion for Leave to Pay Certain Pre-Petition Employee Wages (DE #5);
3. Motion to Reject Lease Agreement By and Between Red River Subs, Inc. and 931 on 9th LLC (DE #6);
4. Motion to Stay *Red River Refrigeration v. Beedy* (DE #7);
5. Motion to (i) Pay Retainer and Monthly Supplements to Subchapter V Trustee; and (ii) Approve Agreement with Subchapter V Trustee (DE #8);
6. Motion for Leave to Pay Claims of Critical Vendors (DE #9); and
7. Motion to Use Cash Collateral (DE #10)

(collectively, the “First Day Motions”).

The Debtor petitioned for Chapter 11 relief earlier this weekend and, consistent with the underpinnings of a small business reorganization, has continued operate three of its four stores at all times since. The Debtor is actively engaged in business and generates revenue with the sale of each sandwich, cup of soup, bowl of macaroni and cheese, and soft drink. But Red River Subs

cannot long persist in its operations as a debtor-in-possession without the relief sought in the First Day Motions.

It is customary for such matters to be heard on shortened notice. *In re Goodrich Quality Theaters, Inc.*, 616 B.R. 514, 516 (Bankr. W.D. Mich. 2020). And, as expressed in each of the underlying motions, there exists a cognizable exigency necessitating a prompt ruling, so as to enable the Debtor to operate as a debtor-in-possession in a prudent and responsible fashion.

The Local Rules of this Honorable Court permit expedited hearings. Local Rule 9006-1. Consistent with those rules, the Debtor submits as follows:

- a. The grounds of each of the First Day Motions is set forth therein;
- b. The Debtor proposes a hearing date of Friday, January 19, 2024, at any time after 1:30 pm Central Time, or Thursday, January 18, 2024, also at any time after 1:30 pm Central Time;¹
- c. While the Debtor is cognizant that Local Rule 9006-1 only permits hearings on “less than seven days” notice in “extraordinary circumstances,” the Debtor respectfully submits that the relief sought is “extraordinary” inasmuch as it is essential to the Debtor’s reorganizational prospects and, in turn, the ultimate recovery of creditors.
- d. The Debtor intends to rely on the oral testimony of its principal to support the relief sought in the First Day Motions.

¹ The Debtor’s principal is generally occupied during the “lunch rush” each day, hence the preference for an afternoon hearing. He will, of course, attend a hearing at any time, however. Undersigned proposed counsel is attempting to make travel plans to be in Fargo for the hearing but, equally, may need to appear remotely depending on certain logistical issues. Counsel has, however, cleared his schedule for both proposed dates, and can be available for a hearing at any time on Thursday or Friday.

Should this Honorable Court issue a notice setting the First Day Motions for hearing, the Debtor will serve the same via e-mail on all parties in interest for whom the Debtor has an e-mail address, and will file a certificate of such service.

Finally, the Debtor asks that any such hearing be held via videoconference, so as to accommodate parties in interest who may not be able to travel to this Honorable Court on shortened notice.

Respectfully Submitted,

Dated: January 15, 2024

By: /s/ Maurice B. VerStandig
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Proposed Counsel for the Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2024, a copy of the foregoing was served electronically upon filing via the ECF system.

/s/ Maurice B. VerStandig
Maurice B. VerStandig